

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. 2009-107 - T

IN RE:

Petition of the Office of Regulatory)	
Staff for Commission to Order a)	PETITION OF THE OFFICE OF
Rule to Show Cause as to Why)	REGULATORY STAFF FOR A RULE TO
The Certificates of Public)	SHOW CAUSE AS TO WHY
Convenience and Necessity for)	CERTIFICATES OF PUBLIC
Certain Motor Carriers Should Not)	CONVENIENCE AND NECESSITY
Be Revoked For Non-payment of)	SHOULD NOT BE REVOKED
<u>License Fees</u>)	

The Office of Regulatory Staff, by filing this petition, would respectfully show and request of the Commission:

1. That the Public Service Commission of South Carolina ("the Commission") is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. §58-23-10 et seq. (Supp. 2008); that the Office of Regulatory Staff ("ORS") is charged with the duty to protect the public interest pursuant to S.C. Code Ann. §58-4-10, et seq.

2. That the companies listed in Exhibit A are currently operating as "motor vehicle carriers" as defined in S.C. Code Ann. §58-23-10(4) in that they are incorporated for the purpose of owning, controlling, operating or managing motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

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3. That the companies listed in Exhibit A are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. §58-23-1010 et seq. (Supp. 2008); further, that these companies have submitted themselves to the jurisdiction of the Commission by holding a Certificate of Public Convenience and Necessity as indicated in Exhibit A. See Exhibit A.

4. That the Companies listed in Exhibit A, upon receiving their Certificates of Public Convenience and Necessity, were found to be fit, willing and able to operate as a motor carrier by the Commission; that such authority found the companies were “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina” and that they “agree to operate in compliance with these statutes and regulations.” 26 S.C. Code Regs. 103-133.4.a (Supp. 2008).

5. That, “A holder of a certificate A, B, or C with less than twenty vehicles must semi-annually **on or before July first and January first of each year** pay to the Commission the following fees: For vehicles weighing not more than two thousand pounds, seven dollars and fifty cents; and for vehicles weighing in excess of two thousand pounds, seven dollars and fifty cents for the first two thousand pounds and two dollars and fifty cents additional for each additional five hundred pounds or part thereof of weight, except that the total license fee may not exceed fifty dollars per vehicle semi-annually.” S.C. Code Ann. §58-23-560 (Supp. 2008) (emphasis added).

6. That, pursuant to S.C. Code Ann. §58-4-10 et seq. (Supp. 2008), beginning January 1, 2005, the Office of Regulatory Staff must represent the public interest of South Carolina before the Commission and has authority to enforce collection of such fees.

7. That the companies listed in Exhibit A failed to pay fees that were due on or before January 1, 2009 and are therefore currently not in compliance with Commission statutes governing the regulation of motor carriers.

8. That “the Commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has

willfully violated or refused to observe orders, rules, or regulations prescribed by the Commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the Commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the Commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria . . .” 26 S.C. Code Regs. 103-240 (Supp. 2008).

9. That “the Commission may, after a hearing, order the suspension, revocation, alteration, or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate willfully made any misrepresentation of a material fact in obtaining his certificate or willfully violated or refused to observe the laws of this State touching motor vehicle carriers or willfully violated any of the terms of his certificate or of the Commission’s proper orders, rules or regulations. But the holder of the certificate has the right of appeal to any court of competent jurisdiction. The Commission must not be a party to any appeal.” S.C. Code Ann. §58-23-320 (Supp. 2008).

WHEREFORE, the ORS staff prays that the Honorable Commission:

1. Issue an order requiring the carriers listed on Exhibit A to appear before the Commission, and show cause why any order should not be issued from this Commission revoking the Certificates of Public Convenience and Necessity previously issued to said carriers;

2. Provide for the opportunity by the carrier to respond to the allegations of this Petition within thirty (30) days from the date of the receipt of the Order;

3. Schedule and conduct a formal administrative hearing within 45 days to address disputed issues of fact and law regarding the Certificate pursuant to 26 S.C. Code Regs. 103-240 (Supp. 2008) and S.C. Code Ann. §58-23-320.

4. Pursuant to S.C. Code Ann. §58-23-560 (Supp. 2008), take judicial notice of the Commission's records in that the required semi-annual fees have not been filed for the companies listed in Exhibit A.

5. Enter a final order revoking the Certificates of Public Convenience and Necessity held by those carriers failing to pay the required fees; and

6. For other appropriate action which the Commission may deem necessary.

Shealy Boland Reibold

Shealy Boland Reibold, Esquire

Jeffrey M. Nelson, Esquire

Office of Regulatory Staff

1401 Main Street, Suite 900

Columbia, South Carolina 29201

Telephone: (803) 737-0800

Fax: (803) 737-0895

March 3, 2009
Columbia, South Carolina

Rule to Show Cause for Non-Payment of Decal Fees

No	CERT TYPE	CERT #	DOCKET #	NAME	DBA	ADDRESS1	CITY1	STA TE1	ZIP COD E1
1	CHARTER	8018	2008-145-T	A & G TRANSPORTATION SERVICES, INC.		528 EDGEFIELD ROAD SUITE F	BELVEDERE	SC	29841
2	NON- EMERGENC Y	7617	2005-298-T	AMERICAN INVESTIGATIVE SERVICES, LLC		514 PETTIGRU STREET	GREENVILLE	SC	29601
3	TAXI	7651	2005-372-T	ARTHUR SUMTER JR.		313 CHARLOTTE STREET	FLORENCE	SC	29506
4	CHARTER	7928	2007-426-T	BERNARD FRAZIER	MAJESTIC LIMO SERVICE	1784 TURKEY PEN ROAD	CHARLESTON	SC	29412
5	CHARTER	7732	2006-210-T	BERNARD SMALLS	CHARLESTOWN TRANSPORTATION	5796 MELVIN WASHINGTON DRIVE	RAVENEL	SC	29470
6	TAXI	6565	1997-520-T	CARLIE GAINES		913 W. DARLINGTON STREET	FLORENCE	SC	29501
7	TAXI	8035	2008-237-T	CARLOS RIVERA LOPEZ	RIVERA TAXI	403 W. EUTAW STREET	SALUDA	SC	29138
8	TAXI	8001	2008-166-T	CARLTON W. SIMPSON		1335 COOSAW DRIVE	CHARLESTON	SC	29407
9	CHARTER	6806-B	1999-321-T	CARRIE FLEISHNER PEELE		4317 SOUTH MOUNTAIN ROAD	RALEIGH	NC	27603
10	TAXI	7849	2007-248-T	C-B AND SON TRANSPORTATION		646 HIGHLAND PARK DRIVE	EDEN	NC	27288
11	TAXI & CHARTER	7805, 7806	2007-184-T 2007-185-T	CHARLESTON LIMO BUS SERVICE, LLC		371 CLAYTON DRIVE	CHARLESTON	SC	29414
12	CHARTER	8030	2008-317-T	CHARLESTON LONDON CAR, LLC		16 BROUGHTON ROAD	CHARLESTON	SC	29407
13	TAXI	7933	2008-60-T	CLARENCE SCOTT		18 PRATT STREET	CHARLESTON	SC	29407
14	TAXI	7968	2008-102-T	DANNY O. GRAHAM	STANDARD CAB	2994 DOSSIE ROAD	CONWAY	SC	29526
15	TAXI	7676	2005-366-T	DAVID COLLINGTON	D C TAXI	2101 WINYAH STREET	GEORGETOWN	SC	29440
16	TAXI	8016	2008-272-T	DEMOND MCELVEEN	TRI COUNTY TAXI CO.	2409 OTRANTO ROAD	CHARLESTON	SC	29406
17	TAXI	7808	2007-68-T	DEWEY BROWER	BROWER TAXI SERVICE	P.O. BOX 652	HAMLET	NC	28345

Exhibit A - March 3, 2009
Docket No. 2009- ____-T
Rule to Show Cause for Non-Payment of Decal Fees

No	CERT TYPE	CERT #	DOCKET #	NAME	DBA	ADDRESS1	CITY1	STA TE1	ZIP COD E1
18	TAXI, CHARTER, NON-EMER	7886, 7887, 7888	2007-304-T, 2007-305-T, 2007-306-T	EAST COAST TRANSPORTATION, LLC		607 MYERS ROAD	SUMMERVILLE	SC	29483
19	TAXI	6836	1999-441-T	EDDIE J. PINCKNEY		P.O. BOX 892	GEORGETOWN	SC	29442
20	CHARTER	6203-A	1994-307-T	EXPRESSIONS UNLIMITED, INC.	EXPRESSIONS LIMO	921 POINSETT HWY.	GREENVILLE	SC	29609
21	TAXI & CHARTER	7900, 7901	2007-387-T, 2007-386-T	GREEN'S SHUTTLE, LLC		1156 WILSON STREET	ORANGEBURG	SC	29115
22	TAXI & CHARTER	7373, 7351-A	2003-191-T, 2003-49-T	HENRY G. YOUNG, JR.	COME CORRECT COACH	1517 ELLIS AVE.	ORANGEBURG	SC	29115
23	NON- EMERGENC Y	7550	2005-92-T	HONEA PATH RESCUE SQUAD		PO BOX 523	HONEA PATH	SC	29654
24	CHARTER	7127	2001-257-T	HOWARD BOWENS	HB TRANSPORTATION SERVICES	33 PINECREEK COURT	GREENVILLE	SC	29605
25	TAXI	7312	2003-37-T	JERI FABIOUS	A2Z EXPRESS	716 FIELD PLANTERS LANE	BLUFFTON	SC	29910
26	CHARTER	7820-A	2007-98-T	JLS, LLC		15729 COLLEGE BLVD	LENEXA	KS	66219
27	TAXI	5073-A	1989-274-T	JOHN REMBERT, JR.		21 CHARLES ST.	SUMTER	SC	29150
28	TAXI	6657	1998-457-T	JOSEPH LEE COOPER		448 EAST SIESTA DRIVE	FLORENCE	SC	29505
29	TAXI	7722	2006-165-T	JULIUS CUTTINO JR		1806 TOKEN STREET #3	CHARLESTON	SC	29405
30	TAXI	6125	1996-330-T	LAJUANA A. PINCKNEY	COLUMBIA SHUTTLE SERVICE	7356 GARNERS FERRY ROAD SUITE 119	COLUMBIA	SC	29209
31	TAXI	7777	2007-35-T	LEATHA M. HAYNESWORTH		9 EAST LIBERTY STREET	SUMTER	SC	29150
32	CHARTER	6644	1998-415-T	LEISURE TOURS, INC.		PO BOX 49997	GREENWOOD	SC	29649
33	TAXI	6553-B	1997-415-T	MARK O. EJERE	ADAMIZ CAB AND LIMO SERVICE	P O BOX 1061	UNA	SC	29378
34	TAXI	7982	2008-182-T	MARY LEE COOPER		448 E. SIESTA DRIVE	FLORENCE	SC	29505
35	CHARTER	7136-A	2001-270-T	MERRY TRAVELERS, INC.		PO BOX 507	DRAYTON	SC	29333

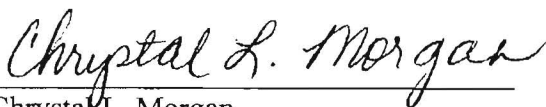
Rule to Show Cause for Non-Payment of Decal Fees

No	CERT TYPE	CERT #	DOCKET #	NAME	DBA	ADDRESS1	CITY1	STA TE1	ZIP COD E1
36	CHARTER	7825	2007-165-T	OCCASIONALLY YOURS LIMOUSINE SERVICE, LLC		904 BURLINGTON DRIVE	EVANS	GA	30809
37	TAXI	7921	2007-452-T	OCTAVIA GRANT CARLESS	CARLESS TAXI SERVICE	204 SAVANNAH RIVER DRIVE	SUMMERVILLE	SC	29485
38	TAXI	7092-A	2001-166-T	RED ROSE CAB, LLC		5470 CAMP CREEK RD.	LANCASTER	SC	29720
39	TAXI	6961	2000-356-T	RICHARD DEROSE	SUPERIOR CAB CO.	114 HICKORY LANE	MYRTLE BEACH	SC	29572
40	TAXI	7113	2001-240-T	ROGER VESTAL	BLUFFTON TAXI	PO BOX 2011	BLUFFTON	SC	29910
41	TAXI	7834	2007-202-T	SECOND TO NONE OF COLUMBIA, LLC		4507 N MAIN STREET	COLUMBIA	SC	29203
42	CHARTER	6799	1999-274-T	VIRGIL GRAHAM	PHOTOGRAPHY/SAFARI TOUR	PO BOX 6799	MYRTLE BEACH	SC	29572
43	TAXI	7261	2002-213-T	WILLIE GREEN & REGINALD GREEN	GREEN TAXICAB SERVICE	1156 WILSON STREET	ORANGEBURG	SC	29115
44	TAXI	6463	1997-35-T	WINSTON ALLEYNE		404 CHARLES ST	FLORENCE	SC	29501

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009- ____-T

IN RE:)	
Petition of the Office of Regulatory Staff for)	CERTIFICATE OF
Commission to Order a Rule to Show Cause as to)	SERVICE
Why the Certificates of Public Convenience and)	
Necessity for Certain Motor Carriers Should Not)	
Be Revoked for Non-payment of License Fees)	

This is to certify that I, Chrystal L. Morgan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **PETITION OF THE OFFICE OF REGULATORY STAFF FOR A RULE TO SHOW CAUSE AS TO WHY CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY SHOULD NOT BE REVOKED** in the above-referenced matter to the person(s) named on the attached service list by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown:



Chrystal L. Morgan

March 4, 2009
Columbia, South Carolina

A & G TRANSPORTATION SERVICES, INC.
528 EDGEFIELD ROAD SUITE F
BELVEDERE, SC 29841

AMERICAN INVESTIGATIVE SERVICES, LLC
514 PETTIGRU STREET
GREENVILLE, SC 29601

ARTHUR SUMTER JR.
313 CHARLOTTE STREET
FLORENCE, SC 29506

BERNARD FRAZIER
MAJESTIC LIMO SERVICE
1784 TURKEY PEN ROAD
CHARLESTON, SC 29412

BERNARD SMALLS
CHARLESTOWN TRANSPORTATION
5796 MELVIN WASHINGTON DRIVE
RAVENEL, SC 29470

CARLIE GAINEY
913 W. DARLINGTON STREET
FLORENCE, SC 29501

CARLOS RIVERA LOPEZ
RIVERA TAXI
403 W. EUTAW STREET
SALUDA, SC 29138

CARLTON W. SIMPSON
1335 COOSAW DRIVE
CHARLESTON, SC 29407

CARRIE FLEISHNER PEELE
4317 SOUTH MOUNTAIN ROAD
RALEIGH, NC 27603

C-B AND SON TRANSPORTATION
646 HIGHLAND PARK DRIVE
EDEN, NC 27288

CHARLESTON LIMO BUS SERVICE, LLC
371 CLAYTON DRIVE
CHARLESTON, SC 29414

CHARLESTON LONDON CAR, LLC
16 BROUGHTON ROAD
CHARLESTON, SC 29407

CLARENCE SCOTT
18 PRATT STREET
CHARLESTON, SC 29407

DANNY O. GRAHAM
STANDARD CAB
2994 DOSSIE ROAD
CONWAY, SC 29526

DAVID COLLINGTON
D C TAXI
2101 WINYAH STREET
GEORGETOWN, SC 29440

DEMOND MCELVEEN
TRI COUNTY TAXI CO.
2409 OTRANTO ROAD
N. CHARLESTON, SC 29406

DEWEY BROWER
BROWER TAXI SERVICE
P.O. BOX 652
HAMLET, NC 28345

EAST COAST TRANSPORTATION, LLC
607 MYERS ROAD
SUMMERVILLE, SC 29483

EDDIE J. PINCKNEY
P.O. BOX 892
GEORGETOWN, SC 29442

EXPRESSIONS UNLIMITED, INC.
EXPRESSIONS LIMO
921 POINSETT HWY.
GREENVILLE, SC 29609

GREEN'S SHUTTLE, LLC
1156 WILSON STREET
ORANGEBURG, SC 29115

HENRY G. YOUNG, JR.
COME CORRECT COACH
1517 ELLIS AVE.
ORANGEBURG, SC 29115

HONEA PATH RESCUE SQUAD
PO BOX 523
HONEA PATH, SC 29654

HOWARD BOWENS
HB TRANSPORTATION SERVICES
33 PINECREEK COURT
GREENVILLE, SC 29605

JERI FABIOUS
A2Z EXPRESS
716 FIELD PLANTERS LANE
BLUFFTON, SC 29910

JLS, LLC
15729 COLLEGE BLVD
LENEXA, KS 66219

JOHN REMBERT, JR.
21 CHARLES ST.
SUMTER, SC 29150

JOSEPH LEE COOPER
448 EAST SIESTA DRIVE
FLORENCE, SC 29505

JULIUS CUTTINO JR
1806 TOKEN STREET #3
N. CHARLESTON, SC 29405

LAJUANA A. PINCKNEY
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7356 GARNERS FERRY ROAD SUITE 119
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LEATHA M. HAYNESWORTH
9 EAST LIBERTY STREET
SUMTER, SC 29150

LEISURE TOURS, INC.
PO BOX 49997
GREENWOOD, SC 29649

MARK O. EJERE
ADAMIZ CAB AND LIMO SERVICE
P O BOX 1061
UNA, SC 29378

MARY LEE COOPER
448 E. SIESTA DRIVE
FLORENCE, SC 29505

MERRY TRAVELERS, INC.
PO BOX 507
DRAYTON, SC 29333

OCCASIONALLY YOURS LIMOUSINE
SERVICE, LLC
904 BURLINGTON DRIVE
EVANS, GA 30809

OCTAVIA GRANT CARLESS
CARLESS TAXI SERVICE
204 SAVANNAH RIVER DRIVE
SUMMERVILLE, SC 29485

RED ROSE CAB, LLC
5470 CAMP CREEK RD.
LANCASTER, SC 29720

RICHARD DEROSE
SUPERIOR CAB CO.
114 HICKORY LANE
MYRTLE BEACH, SC 29572

ROGER VESTAL
BLUFFTON TAXI
PO BOX 2011
BLUFFTON, SC 29910

SECOND TO NONE OF COLUMBIA, LLC
4507 N MAIN STREET
COLUMBIA, SC 29203

VIRGIL GRAHAM
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MYRTLE BEACH, SC 29572

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ORANGEBURG, SC 29115

WINSTON ALLEYNE
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FLORENCE, SC 29501